

JAN 17 2014

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES OF AMERICA,) 13-CR-00154-TOR

Plaintiff,

vs.

Agreement for Pretrial Diversion

BRENT EVERETT RUSS,

Defendant.

AGREEMENT FOR PRETRIAL DIVERSION

Brent Everett Russ is charged in a three-count Superseding Indictment with violations of 18 U.S.C. §2261A(2) and §876(d). The parties have made a determination, after an investigation of the facts and circumstances surrounding the offense, that the interest of the United States, the interests of Brent Russ, and the interest of justice will be served by the following procedure; therefore

On the authority of the Attorney General of the United States, by Michael C. Ormsby, United States Attorney for the Eastern District of Washington, prosecution in this District for this offense shall be deferred for the period of 60 months from this date, provided you, Brent Everett Russ, abide by the following conditions and requirements of this Agreement set out below.

1 Should you violate the conditions of this Agreement, the United
2 States Attorney may revoke or modify any conditions of this pretrial
3 diversion program or change the period of supervision, which shall in no
4 case exceed the original sixty months. The United States may release
5 you from supervision at any time. The United States Attorney may at
6 any time within the period of the supervision initiate prosecution for this
7 offense should you violate the conditions of this Agreement. In this case,
8 he will furnish you with notice specifying the conditions of the
9 Agreement alleged to have been violated.

10 After successfully completing the diversion program and fulfilling
11 all the terms and conditions of the Agreement, no prosecution for the
12 offenses set forth above of this Agreement will be instituted in this
13 District, and the charges against you, Brent Everett Russ shall be
14 dismissed.

15 Neither this Agreement nor any other document filed with the
16 United States Attorney as a result of your participation in the Pretrial
17 Diversion Program will be used against you in connection with any
18 prosecution for the above-described offense.

19 **General Conditions of Pretrial Diversion**

- 20 1. You shall not violate any law (federal/state/local). You shall
21 immediately contact your pretrial diversion supervisor if
22 arrested and/or questioned by any law enforcement officer.
- 23 2. You shall attend school or work regularly at a lawful
24 occupation or otherwise comply with the terms of the special
 program described below. If you loose your job or are unable
 to attend school, you shall notify your pretrial diversion

1 supervisor at once. You shall consult him/her prior to job or
2 school changes.

3 3. You shall report to your supervisor as directed and keep
4 him/her informed of your whereabouts.

5 4. You shall follow the program and such special conditions as
6 may be described below.

7 **Special Conditions**

8 5. You shall obtain a mental health evaluation from a licensed
9 psychologist or psychiatrist and comply with all treatment
10 recommendations for the duration of your pretrial diversion
11 or until your mental health evaluator recommends cessation
12 of such treatment. During the period of pretrial diversion,
13 you shall take all medications recommended by your mental
14 health evaluator.

15 6. You shall provide to your pretrial diversion supervisor, on
16 request, any reports or other medical documentation from any
17 licensed psychologist or psychiatrist you are seeing during the
18 period of your pretrial diversion. You also agree that your
19 pretrial diversion supervisor may share those documents with
20 the Court and with the United States Attorney's Office.

21 7. You shall not possess any firearm or ammunition during the
22 period of your pretrial diversion.

23 8. You shall disclose to your pretrial diversion supervisor the
24 location of any and all firearms owned or possessed by you
and shall turn all such firearms, not already turned over, to a
third party for safe keeping during the period of your pretrial
diversion.

9. You shall have no contact with the victim in the underlying
case during the period of your pretrial diversion.

10. You shall not possess or consume any alcohol or controlled
substances except as prescribed by a medical professional
licensed to prescribe medication.

11. You shall submit to analysis of your breath or blood for the
presence of alcohol at the direction of your pretrial diversion
supervisor.

- 1 12. You shall submit to urinalysis for the presence of drugs or
2 controlled substances at the direction of your pretrial
3 diversion supervisor.
4 13. You shall submit to a search of your person, residence, or
5 vehicle at the request of your pretrial diversion supervisor.
6 14. For the first six (6) months of the pretrial diversion period,
7 you shall reside with your parents. After that, you may
8 petition the Court for a change in location.

9 I assert and certify that I am aware of the fact that the Sixth
10 Amendment to the Constitution of the United States provides that in all
11 criminal prosecutions the accused shall enjoy the right to a speedy and
12 public trial. I also am aware that Rule 48(b) of the Federal Rules of
13 Criminal Procedure provides that the Court may dismiss an indictment,
14 information, or complaint for unnecessary delay in presenting a charge
15 to the Grand Jury, filing an information, or in bringing a defendant to
16 trial. I hereby request the United States Attorney for the Eastern
17 District of Washington to defer such prosecution. I agree and consent
18 that any delay from the date of this Agreement to the date of initiation of
19 prosecution, as provided for in the terms expressed herein, shall be
20 deemed to be a necessary delay at my request, and I waive any defense
21 to such prosecution on the ground that such delay operated to deny my
22 rights under Rule 48(b) of the Federal Rules of Criminal Procedure and
23 the Sixth Amendment to the Constitution of the United States to a
24 speedy trial or to bar the prosecution by reason of the running of the
25 statute of limitations for a period of months equal to the period of this
26 agreement.

1 I hereby state that the above has been read and explained to me. I
2 understand the conditions of my pretrial diversion program and agree
3 that I will comply with them.

4
5 Brent
6 Brent Everett Russ

1/17/14
Date

7 Andrea K. George
8 Andrea K. George
9 Attorney for Brent Russ

01-17-2014
Date

10
11 Michael C. Ormsby
12 Michael C. Ormsby
13 United States Attorney

1/17/14
Date

14 Chief Probation Officer
15

1-17-14
Date

FOR SCOTT M. HURLEY, SR.

16
17
18 Approved without passing judgment on the merits
19 or wisdom of this diversion
20
21 Thomas O. Rice 1/17/14
22 U.S. District Judge
23
24